

ZBA_REFERRAL:

ED_BIAGINI_SUBDIVISION_(08-04)

Mr. Gerald Zimmerman appeared before the board for this proposal.

MR. ARGENIO: This is a referral to the zoning board. Apparently, there's some issues. The application proposes subdivision of the 2.68 acre parcel into three single family residential lots. The plan was reviewed on a concept basis only. As I said, I see Mr. Zimmerman here to represent this. For the benefit of the members we'll have the opportunity to look at this again. But Mr. Zimmerman, could you please give us a tour of what the applicant wants to do here?

MR. ZIMMERMAN: Sure.

MR. ARGENIO: Go ahead.

MR. ZIMMERMAN: Well, the applicant is proposing to subdivide 2.7 acre parcel which is located on Little Brook Court which is just off of Toleman Road.

MR. ARGENIO: This is an abandoned lot, isn't it overgrown with weeds and such?

MR. ZIMMERMAN: Yes, and proposal is to subdivide their property into three lots. The table that I presented on the plans indicates the lot sizes proposed for each of the lots and the minimum lot area in this district which is the R-1 district where 80,000 square foot is the minimum lot size. Each of the lots that are proposed are less than that requirement and that's one of the reason why we need the variance. Now, the other lots that surround this property in this area and Little Brook Court are at least this size of the lots that we're proposing, are smaller and so that's the reasoning behind the configuration of the subdivision.

So the plans that we have prepared reflect the proposed development on each of the lots but before we can move any further with the subdivision we need to obtain variances as I have outlined in the bulk table.

MR. ARGENIO: Let me ask you a question. Lot 1 I have two questions, actually, what's going on with the drainage easement? I see the, I see two 24 inch pipes ending in the middle of the lot, what are you going to do with them?

MR. ZIMMERMAN: Okay, the plan is to the drainage, these are all existing structures that are in here now and they were installed to facilitate the drainage of the property and collect it and bring it into the town system.

MR. ARGENIO: Mr. Zimmerman, you have substandard size lots that you're proposing which I don't think I'm particularly knotted up about and again I'm only one member on this board because it seems as though the other lots in that area are of similar size but you have some very large culvert pipes bisecting what essentially is the center of lot number 1. How are you going to handle that situation insomuch as the pipes and what appears to be the middle of the lot in addition to that they go right through the middle of the lot, do you have any thoughts on that? I'm curious.

MR. ZIMMERMAN: Well, the situation here is that the drainage that comes to this lot basically is this was the last parcel developed in this subdivision and for the most part all the drainage was put into this property so Mr. Biagini has a building permit for this lot and on lot 1 there's a foundation which I have indicated on the subdivision plan itself but to facilitate building on this lot he's basically collected the water that's coming from the town road and kind of channeling it and putting it, you know, I

kind of made it so that this lot could be developed so it is not a situation where you, you know, he necessarily that he created, it was a situation that was created over time and he's improved that situation and we'd like to develop this property.

MR. ARGENIO: Mark? Do you have a copy of Mark's comments?

MR. ZIMMERMAN: I just got them now.

MR. ARGENIO: I want to read this one comment. It also appears that an existing foundation is on lot number 1 was the foundation already constructed in a location contrary to the zoning law. So is that a new foundation or an old foundation?

MR. ZIMMERMAN: No.

MR. ARGENIO: Did you put that in?

MR. ZIMMERMAN: It's a new foundation.

MR. BIAGINI: It's a new foundation.

MR. ARGENIO: Does it meet zoning?

MR. BIAGINI: No, it needs a variance, it's too far to the side.

MR. ARGENIO: So you installed it in that location?

MR. BIAGINI: We installed it in the wrong location.

MR. SCHEIBLE: Just curious at the time of installing this was this, I see you're breaking it down into three, was this lot number 1 tied in with lot number 2 somehow?

MR. BIAGINI: No, originally--

MR. SCHEIBLE: When you put that in there?

MR. BIAGINI: Originally it was just one 3 acre whatever.

MR. SCHEIBLE: And then?

MR. BIAGINI: One piece and the drainage, the town drainage has been in for about 30 years that runs down through that.

MR. ARGENIO: I think that's all of the drainage on Little Brook Court goes into that lot if I remember correctly. I think we paved this a few years back, that's relatively new pavement out there, isn't it?

MR. BABCOCK: Yes.

MR. BIAGINI: It is.

MR. ARGENIO: Regardless of your success or not at the zoning level you'd be well advised Mr. Biagini, I'm sure you're aware of it that there are issues in that area of the town with perc, big issues, I'm sure you're aware of that. I don't remember if it was yours or another fella, another Biagini, your brother I guess, I don't know who it was, had an issue with a house that was put up out there and the buyer of the home went so far as to petition this board, this is quite a few years ago, that she wanted the design engineer or the certifying engineer who certified the septic system she wanted his license revoked, his engineering license because her septic field didn't work. So Mark's office is going to witness those percs with your folks out there just to make sure that--

MR. BIAGINI: I understand those houses were built 35 years ago.

MR. ARGENIO: It was in the Toleman Road area, I don't remember exactly where it was.

MR. BIAGINI: My brother built them a couple subdivisions on Toleman Road as well as I have too but I haven't had a problem with perc, that subdivision, this parcel was originally going to be parkland left over.

MR. ARGENIO: Would you come forward please, give Franny your name?

MR. BIAGINI: Ed Biagini.

MR. ARGENIO: Go ahead.

MR. BIAGINI: This was originally it was on the earlier maps it made the designated parkland and right about that time is when they were coming out with parkland fees and parkland so my brother had paid parkland fees on the property and it was, so it was a building lot, just was never built on. It was sold to a gentleman who lived across the street and he put horses on it.

MR. ARGENIO: If I remember it really was an eyesore.

MR. BIAGINI: It was the dump.

MR. ARGENIO: I think you're right going back when we paved Little Brook Court I remember it was quite an eyesore that corner there it was a dump, I think there might have been some railroad ties.

MR. BIAGINI: Whatever anybody in the neighborhood had that they didn't want ended up on that lot.

MR. BABCOCK: His horses got out every week, every week.

MR. ARGENIO: As I said to the other members we'll see

this again, he's looking for a zoning board referral tonight. Does anybody else have any questions that they'd like to probe relative to this application?

MR. SCHEIBLE: When was this, the early part of this little development here, how old is that?

MR. BIAGINI: 1970.

MR. SCHEIBLE: That was way back before new laws were made and statutes were made for size of lots and so forth which these are only like also about that same size like 3/4 acre if you just want to, you know, half acre, is that correct?

MR. BIAGINI: Right.

MR. SCHEIBLE: Well, I just was trying to, you know, for that area of town I just don't believe--

MR. BIAGINI: These lots are larger than the ones--

MR. SCHEIBLE: You're just getting passed a half acre on one of these lots here.

MR. BIAGINI: The majority of that subdivision is half acre lots, these are minimum half up to almost an acre.

MR. ARGENIO: Zoning board is going to look at it, Henry, that's what they do, I mean.

MR. SCHEIBLE: Just for my own information.

MR. ARGENIO: The drainage course of the two 24 inch pipes on lot 1 pre and post construction the drainage course will remain the same as what it is now or about the same?

MR. ZIMMERMAN: Yes.

MR. BIAGINI: Yes.

MR. ARGENIO: That's a lot of water. Anybody else have any other questions? I addressed the perc test issue, if somebody sees fit I will accept a motion that we deem this application incomplete at this time.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board determine that the Ed Biagini minor subdivision on Little Brook Court off Toleman Road is incomplete at this time thus referring them to the zoning board. If there's no further discussion, I will have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You have been referred to the zoning board, Mr. Biagini, and please do heed the thoughts about the percolation issue.

MR. BIAGINI: Absolutely.

MR. ARGENIO: Nothing's more difficult for us than when we have residents more than one resident actually showing up at this board complaining about an engineering and design problem on a lot, the woman actually came to my home on Sesame Street and knocked on my door. I don't know if she ever got satisfaction but I know that she did certainly have a problem. Thank you for coming in.